

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION
USING AN APPLICATION DATA SHEET (37 CFR 1.76)**

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. 10/053,513 filed on November 2, 2001
 as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including material information which became available between the filing date of the prior application and the National or PCT International filing date of the continuation-in-part application, if applicable; and

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 GEORGE CAUDLE Date: 3/05/02

Signature: George Caudle Citizen of: United States

Inventor 2 _____ Date: _____

Signature: _____ Citizen of: _____

Inventor 3 _____ Date: _____

Signature: _____ Citizen of: _____

Inventor 4 _____ Date: _____

Signature: _____ Citizen of: _____

Additional inventors are being named on form(s) attached hereto.

Burden Hour Statement: This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is used by the public to file (and the PTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This form is estimated to take 1 minute to complete. This time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.
PA 3201638 v1

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ASSIGNMENT OF PATENT APPLICATION

SOLE

WHEREAS, GEORGE CAUDLE of 1260 Montmorency Drive, San Jose, California 95051; hereinafter referred to as "Assignor," is the inventor of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: **TEMPERATURE ACTUATED POSITIONING DEVICE
FOR NON-LINEAR OPTICAL ELEMENTS**

Date(s) of execution of Declaration: 3-15-02

Filing Date: November 2, 2001

Application No.: 10/053,513; and

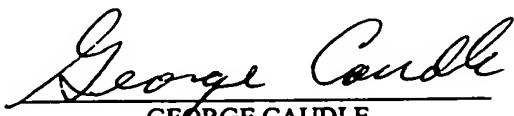
WHEREAS, VISX, Incorporated, a corporation of the State of Delaware, located at 3400 Central Expressway, Santa Clara, California, 95051-0703, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

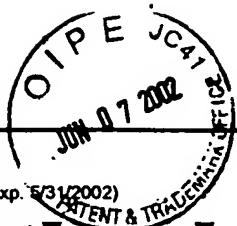
For good and valuable consideration, receipt of which is hereby acknowledged by Assignor, Assignor has assigned, and by these presents does assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on any patent application claiming priority from the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignor had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignor further agrees that Assignor will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

IN TESTIMONY WHEREOF, Assignor has signed his/her name on the date indicated.

Dated: 3/15/02


George Caudle
GEORGE CAUDLE



Form PTO-1595

(Rev. 03-01)

OMB No. 0651-0027 (exp. 5/31/2002)

**Rec'date n Form Cover Sheet
PATENTS ONLY**

U.S. Department of Commerce
U.S. Patent and Trademark Office

Tab settings

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof

1. Name of conveying party(ies): **GEORGE CAUDLE**
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Additional name(s) of conveying parties attached? Yes No

3. Nature of conveyance:

<input checked="" type="checkbox"/> Assignment	<input type="checkbox"/> Merger
<input type="checkbox"/> Security Agreement	<input type="checkbox"/> Change of Name
<input type="checkbox"/> Other: _____	

Execution Date: 03/15/02

4. Application number(s) or patent number(s).

If this document is being filed together with a new application, the execution date of the application is:

RECEIVEDJUL 12 2002A. Patent Application No(s): **10/053,513**

B. Patent No(s):

TECHNOLOGY CENTER R3700

Additional numbers attached? Yes No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: **Mark D. Barrish**
TOWNSEND AND TOWNSEND AND CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
(415) 576-0200

6. Total number of applications and patents involved: **1**7. Total fee (37 CFR 3.41): **\$40.00** Enclosed Authorized to be charged to deposit account8. Deposit account number: **20-1430**

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

To the best of my knowledge and belief, the foregoing is true and correct and any attached copy is a true copy of the original document.

Mark D. Barrish
Name of Person Signing
Atty. Reg. No. 36,443

Signature

25 MARCH 2002

Date

Total number of pages Including cover sheet, attachments and document **2**

Mail documents to be recorded with required cover to:
Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

Please type a plus sign (+) inside this box → +

PTO/SB/81 (10-00)

Approved for use through 10/31/2002. OMB 0651-0035
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POWER OF ATTORNEY OR AUTHORIZATION OF AGENT	Application Number	10/053,513
	Filing Date	11/02/01
	First Named Inventor	CAUDLE, George
	Group Art Unit	
	Examiner Name	
	Attorney Docket Number	18158-012610US

I hereby appoint:

Practitioners at Customer Number
OR
 Practitioner(s) named below:

20350

*Place Customer
Number Bar Code
Label here*

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

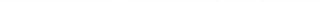
The above-mentioned Customer Number.
OR

<input type="checkbox"/> Firm or Individual Name					
Address					
Address					
City		State		ZIP	
Country					
Telephone		Fax			

I am the:

Assignee of record of the entire interest. See 37 CFR 3.71.
Certificate under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

Name	TIMOTHY MAIER, CHIEF FINANCIAL OFFICER
Signature	
Date	7/16/02

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.
Submit multiple forms if more than one signature is required. See below*

Total of 1 form(s) is submitted

Burden Hour Statement: This form is estimated to take 3 minutes to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

COPY OF PAPERS
ORIGINALLY FILED**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: CAUDLE, GeorgeApplication No./Patent No.: 10/053,513 Filed/Issue Date: 11/02/01Entitled: TEMPERATURE ACTUATED POSITIONING DEVICE FOR NON-LINEAR OPTICAL ELEMENTSVISX, INCORPORATED a Delaware Corporation

(Name of Assignee) (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

- the assignee of the entire right, title, and interest; or
- an assignee of an undivided part interest

in the patent application/patent identified above by virtue of either:

A. An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

B. A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
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3. From: _____ To: _____
 The document was recorded in the United States Patent and Trademark Office at
 Reel _____, Frame _____, or for which a copy thereof is attached.

Additional documents in the chain of title are listed on a supplemental sheet.

Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8.]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

3/19/02
Date

Timothy Majer
Signature

TIMOTHY MAJERTyped or printed nameCHIEF FINANCIAL OFFICERTitle

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.